

**EXHIBIT A**



ADMINISTRATION FOR CHILDREN'S SERVICES  
COMMISSIONER'S OFFICE  
150 William Street - 18<sup>th</sup> Floor  
New York, N.Y. 10038  
Phone (212) 341-0958 Fax (212) 341-2946


WILLIAM C. BELL  
*Commissioner*

ANNE WILLIAMS-ISOM  
*Special Counsel/  
Associate Commissioner*

## MEMORANDUM

DATE: July 2, 2004

TO: Executive Directors, Contract Foster Care Agencies  
ACS Staff

FROM: Anne Williams-Isom 

SUBJECT: Independent Review Protocol

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The purpose of this protocol is to provide information about the Independent Review process and clarify the roles of Independent Review participants. This protocol will specifically outline the process for: notifying foster parents of their right to an Independent Review; requesting an Independent Review; conducting an Independent Review; issuing the Independent Review decision; complying with the Independent Review decision; appealing the Independent Review decision.

### ACS ADMINISTRATION FOR CHILDREN'S SERVICES

#### Protocol for

#### INDEPENDENT REVIEW

Date: 7/2/04

### *I. Introduction*

The mission of the ACS Office of Advocacy is to provide impartial resolutions to conflicts among parents, children, and foster parents and ACS offices or contract agencies. Within the Office of Advocacy, the Independent Review Unit has been designated by the Commissioner to implement Section 443.5 of the New York State Social Services Regulations (18 NYCRR § 443.5). Section 443.5 provides that foster family parents may request a conference with the social services official

or designee whenever a social services official or another authorized agency proposes to remove a child in foster family care from the foster family home. This conference is called an "Independent Review." At such conference, scheduled within 10 days of receipt of the request for the conference, the foster parents, with or without a representative, may appear to have the proposed action reviewed, be advised of the reasons for the removal, and be afforded an opportunity to submit reasons why the child(ren) should not be removed.

## II. Removal from a Foster Home

### **A. Written Notification of Removal (Form CS-701D)**

Foster parents must receive written notification of intent to remove a foster child from their home in all cases of removal, except removals due to a court order or State Fair Hearing Decision. Section 443.5 of the Social Services Regulations states that where a social services official or other authorized agency proposes to remove a child from a certified foster home, the foster parents must be notified in writing (via Form CS-701D). The Form CS-701D contains information explaining the reason for the removal and also provides information relating to the foster parents' right to contest the decision by requesting a review. The caseworker must leave a copy of the Form CS-701D in the case record to document that the form was given to the foster parents.

Section 443.5 also states that written notification must be given at least 10 days prior to the proposed effective date of the removal, except where the health or safety of the child requires that the child be removed immediately from the foster family home.

1. For planned removals, the foster parent must receive the notice (Form CS-701D) at least ten days prior to the removal date. If the foster parent requests an Independent Review, the child may not be removed from the home until at least three days after the notice of decision is sent, or prior to the proposed effective date of removal, whichever occurs later (unless it is subsequently determined that the health or safety of the child requires that the child be removed immediately from the foster home).
2. For emergency removals, Form CS-701D should be given at the time of the removal or as soon as is practicable thereafter (e.g., send by certified mail the next day). The foster parents may request an Independent Review. Note that the foster home cannot be closed until the Independent Review decision is rendered.

### **B. Contesting the Removal of a Foster Child**

Certified foster parents or approved relative foster parents have the right to a review of any removal or plan for removal of a child in foster care unless it is ordered by the court or State Fair Hearing decision. These rights are described on the reverse side of the CS-701D, *Notice For Removal Of Child(ren) From A Foster Home*.

Foster parents who disagree with the removal of the child(ren) from their homes may request any or all of the following:

1. A Foster Care Agency Conference (Note that a foster parent can request a Foster Care Agency Conference only if the removal has not yet occurred. In addition, if the foster parent also requests an Independent Review, the Agency Conference cannot delay ACS's holding the Independent Review in accordance with the timeframes in Section 443.5 of the Social Services Regulations); and/or
2. An Independent Review by calling the Office of Advocacy at ACS (212-676-9002) before the date of the proposed action or if an emergency removal, as soon as is practicable after the removal; and/or
3. A New York State Fair Hearing by writing to the Bureau of Special Hearings.

Foster parents who do not object to the removal of the child from their home may waive their right to a foster care agency or Independent Review by signing, dating and returning the Form CS-701D to the case planner.

### III. Requesting an Independent Review

#### **A. Making the Request**

Foster parents who are seeking to review the plan to remove or the removal of a foster child from their home may request an Independent Review by calling the ACS Office of Advocacy at (212) 676-9002. This request must be made before the date of the proposed action. In the case of an emergency removal, the request for an Independent Review must be made as soon as is practicable after the removal.

Before scheduling the Independent Review, the foster parent(s) are encouraged to request a meeting with the foster care agency to discuss their objections prior to the removal of the child. If the matter cannot be resolved at the Foster Care Agency Conference or if the foster parent chooses to bypass the Foster Care Agency Conference, the foster parents' request for an Independent Review will be honored. Once the request has been received and accepted by ACS, the Independent Review will be scheduled within ten days.

When foster parents have requested an Independent Review, the removal of a child is stopped except where the health or safety of the child(ren) requires immediate removal.

**IMPORTANT:** If foster parents need an interpreter or choose to be accompanied by an attorney or a representative, they must state this at the time of scheduling.

#### **B. Requests for an Independent Review Can Be Denied For the Following Reasons:**

- A court order has been issued regarding the placement of the subject children. A court order takes precedence over all administrative remedies.
- The person making the request is not a certified or approved foster parent or the child is not in ACS custody.
- The foster parent signed the Notice of Removal, waiving his or her right to an Independent Review.
- The foster parent requested that the child be removed from his/her home.



- The foster parent making the request is a "second" foster parent. Note that the issue of an Independent Review for a second foster parent arises when the first foster parent, from whose home the child was removed, requests an Independent Review and the decision from that Independent Review directs that the child be returned to the first foster parent. The New York State Office of Children and Family Services has opined that Section 443.5 of the Social Services Regulations does not require that the second foster parent receive a ten-day notice and an Independent Review after a decision was made following an Independent Review to return the child to the first foster parent.

#### IV. Conducting the Independent Review

##### **A. Scheduling/Postponements of Reviews**

Under Section 443.5 of the Social Services Regulations, the Independent Review must be held within 10 days of receipt of the foster parent's request. Once an Independent Review is scheduled, the date of the Independent Review will not be changed unless the foster parent makes such a request (e.g., the foster parent cannot attend the Independent Review) or an issue related to the foster parent arises (e.g., foster parent asks for a translator for the first time the day of the Independent Review and one is not available, the foster parent's attorney is not available). In order to postpone an Independent Review, the foster parent must contact the Reviewer 24-48 hours before the Review date. If an emergency arises the day of the Independent Review, the foster parent must contact the Reviewer as soon as possible to reschedule the Independent Review. The number of postponements allowed will be at the discretion of the Review Officer.

The foster care agency must attend the Independent Review, and send a person who has knowledge of the case and is prepared to discuss the case and reasons for the (proposed) removal. The Independent Review will not be adjourned beyond ten days of receipt of the foster parent's request if the caseworker from the agency handling the case cannot attend. If the caseworker handling the case cannot attend, the foster care agency must send another representative with knowledge of the case.

Should an agency representative not be able to attend within the ten-day timeframe, the Reviewer will use his/her discretion about how to proceed in consultation with ACS Division of Legal Services.

If the ACS Office of Confidential Investigations (OCI) is investigating the foster parent as a result of a report to the State Central Register of suspected child abuse and maltreatment, the Reviewer will explain to the foster parent that the Independent Review must be held within ten days even though the OCI decision will remain outstanding until the investigation is complete. (Note that the Reviewer will further explain that OCI has, by statute, 60 days to conduct its investigation and make a determination regarding the allegations made.)

##### **C. Lateness**

Foster parents and agencies are given the time and date of the Review. [NOTE: Section 443.5 states that the social services official shall send written notice of the time and place for the conference to the foster family parents and their representative, if any, and to the authorized agency, if any, at least five days prior to the date of the conference.] It is incumbent upon all the parties to make themselves available on the day and time that have

been allotted for them. If the foster parent does not appear within an hour of the Review appointment, the parties who are present will be released. It is at the Reviewer's discretion whether or not the Review can be rescheduled. If the agency does not appear within an hour of the allotted time to begin the Independent Review, the parties who are present will be released unless the Reviewer determines that the Independent Review can proceed without the agency. If the Review cannot proceed without the agency, it is at the Reviewer's discretion whether or not the Review can be rescheduled.

### C. Attendance

- The foster parents must attend the Review and are entitled to be accompanied by a representative of their choice. The representative may be a friend, family member, community representative, foster parent advocate, or an attorney.
- A representative of the foster care agency, ACS Direct Foster Care Services (DFCS) or ACS Direct Care Adoption (DCA) office seeking removal must attend.
- If OCI is involved in the investigation of the foster home, the OCI worker must be present at the review.
- All other persons' attendance is at the discretion of the Reviewer.

### Other Parties May be Notified and/or Invited to Participate:

- ACM
- OCACM
- the law guardian

### D. Format

The Independent Review is conducted as a social work conference at which the Review Officer (an ACS Child Welfare Specialist Supervisor II) interviews all participants regarding the reasons for the plan for removal or the actual removal. The interviews, along with pertinent reports/documentation, will be used to inform the decision. Such decision will be issued in writing to the foster parents, their representative, if applicable, the ACS office, and the foster care agency within five days of the conference. At the time of decision the foster parents are notified of their right to appeal the decision by requesting a New York State Fair Hearing.

1. The Independent Review is not a legal proceeding and the Review Officer is not a Judge. The Rules of Evidence do not apply at an Independent Review.
2. If the foster parent chooses to bring an attorney, the role of the attorney is to assist the foster parent with responding to the questions posed by the Reviewer. The attorney is not permitted to question other participants at the table nor object to questions asked by the Reviewer. The Reviewer conducts all questioning. See section E below for more details about the role of the foster parents' representatives, which includes attorneys.

3. The Independent Review is tape-recorded.
4. The agency presents its information first, by oral statement and the introduction of supporting documentation, if any.
5. At any point during the review, the foster parent may ask to speak with his/her representative privately.
6. After the agency's presentation, the foster parent presents his/her information regarding the removal.
7. If OCI is involved, the Reviewer will use OCI's 7-day Assessment and the OCI worker will be present to provide information.
8. Input from any other necessary parties that are present at the Review will be at the Reviewer's discretion.

**E. Role of the Foster Parent's Representative at the Independent Review**

1. The representative can provide the Review Officer with a statement or summary of the position of the foster parent.
2. Representatives will not be allowed to question any participant of the Review.
3. If the representative does have a question, it should be directed to the Review Officer who will decide if the answer to the question is needed for the decision or to apprise the foster parent of the reasons for the proposed action.
4. The representative can provide information pertaining to the removal of the subject child to the Review Officer that the foster parent or agency has not given to the Review Officer.
6. A representative has the right to consult with the foster parent whom he/she is representing.
7. If ACS and/or the foster care agency attend the Independent Review with a representative, these procedures will apply to all representatives.

**F. Documentation/Materials Presented at Review**

All information to be considered by the Independent Reviewer must be submitted at the time of the conference (including but not limited to the agency case record, medical records, OCI/police/mental health or other reports, statements of the foster parent(s), agency representatives or other interested parties). It is critical that all parties to the conference arrive at the conference prepared with all statements or documents that they wish to be considered by the Reviewer. Because the Independent Review is not a legal proceeding, the rules of discovery do not apply. Accordingly, the Reviewer will determine what documents, if any, the participants at the Independent Review are entitled to receive. Whatever documents the Reviewer accepts for consideration as part of the decision-making process will be given to the participants except where confidentiality would prohibit disclosure.



## V. The Independent Review Decision

Under Section 443.5(c) of the Social Services Regulations, ACS must render a decision within five days of the Independent Review.

### **A. Internal Review of the Independent Review Decision**

If, after the Independent Review, the Office of Advocacy renders a decision that differs from OCI's recommendation (e.g., OCI recommends that the foster home be closed), the Office of Advocacy will review its decision with OCI. If OCI has obtained new information that was not discussed at the Independent Review, the foster care agency, DFCS, or DCA will issue another Form CS-701D, which will advise the foster parent of the right to request another Independent Review.

If OCI has not obtained any new information and its recommendation differs from the decision of the Independent Review, the Office of Advocacy and OCI will discuss their respective conclusions. If the conclusions of the Office of Advocacy and OCI still differ, the Deputy Commissioners who oversee the Office of Advocacy and OCI will review the Independent Review decision and the OCI recommendation. If necessary, they will consult with the Commissioner. They will then render a final decision, which will be sent to the parties.

### **B. Implementing the Independent Review Decision**

Foster care agencies must comply with the Independent Review decision, even if they do not agree with it. NOTE: Section 443.5 states that the child shall not be removed from the foster family home until at least three days after the notice of decision is sent, or prior to the proposed effective date of removal, whichever occurs later. If the child has already been removed, the agency must comply with the Independent Review decision within 72 hours. If a foster care agency has a question about the decision, the agency should contact the Office of Advocacy.

If the Office of Advocacy has rendered its decision not to remove or return the child to the foster home and OCI and/or the foster care agency, DFCS, or DCA subsequently learn new information about the case that warrants removing the child, the foster care agency, DFCS, or DCA must issue another Form CS-701D, which will advise the foster parent of the right to request another Foster Care Agency Conference and/or Independent Review and/or New York State Fair Hearing.

### **C. Appealing the Decision of the Independent Review**

The foster parent has the right to appeal the decision of the Independent Review by requesting a Fair Hearing with the New York State Office of Children and Family Services. It is important to note that if a Fair Hearing was requested at the same time an Independent Review was requested, the decision of the Independent Review must be implemented. Agencies cannot wait until the Fair Hearing is held and/or a decision is rendered. Information instructing a foster parent on the procedure to request a Fair Hearing will be provided at the time of the Independent Review. Note that the foster parent is informed of the right to request a Fair Hearing on Form CS-701D (Notice of Removal Form), at the Independent Review, and in the Independent Review Decision.



CS FORM 1-ACE  
Rev. 9/03

NYC ACS  
NYC Administration for  
Children's Services

# NOTICE FOR REMOVAL OF CHILD(REN) FROM A FOSTER HOME

To: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

FOSTER CHILD(REN) (FIRST NAME, LAST NAME) DOB	FOSTER CHILD(REN) (FIRST NAME, LAST NAME) DOB
_____/____/____	_____/____/____
_____/____/____	_____/____/____
_____/____/____	_____/____/____

CASE NAME: \_\_\_\_\_ ACS CASE No: \_\_\_\_\_

FOSTER CARE AGENCY: \_\_\_\_\_

FOSTER CARE AGENCY CASEWORKER: \_\_\_\_\_ TEL. No: ( ) \_\_\_\_\_

THE FOLLOWING ACTION HAS BEEN/WILL BE TAKEN (CIRCLE ONE) ON OR ABOUT \_\_\_\_/\_\_\_\_/\_\_\_\_ REGARDING THE ABOVE CHILD(REN):

☐ CHANGE IN SERVICE PLAN - WE PLAN TO:

☐ PLACE THE CHILD(REN) IN ANOTHER FOSTER HOME OR OTHER APPROPRIATE FACILITY BECAUSE:

☐ PLACE THE CHILD(REN) IN AN ADOPTIVE HOME

☐ RETURN THE CHILD(REN) TO THE NATURAL PARENTS/LEGAL GUARDIANS/CUSTODIAN/SELF

☐ EMERGENCY REMOVAL: IT WAS NECESSARY TO REMOVE THE ABOVE CHILD(REN) BECAUSE:

IF YOU DO NOT OBJECT TO THE REMOVAL OF THE CHILD(REN) FROM YOUR HOME, PLEASE INDICATE THIS BY CHECKING THE BOX BELOW NEXT TO WAIVER AND RETURN THE FORM TO YOUR FOSTER CARE CASEWORKER. IF YOU DISAGREE WITH THE REMOVAL OF THE CHILD(REN) FROM YOUR HOME, YOU MAY REQUEST ANY OR ALL OF THE FOLLOWING:

▪ AN INDEPENDENT REVIEW BY CALLING THE OFFICE OF ADVOCACY AT THE ADMINISTRATION FOR CHILDREN'S SERVICES WITHIN TEN (10) DAYS OF RECEIVING THIS NOTICE

▪ A NEW YORK STATE FAIR HEARING BY WRITING TO THE BUREAU OF SPECIAL HEARINGS

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR FOSTER CARE CASEWORKER

SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_ AGENCY: \_\_\_\_\_

☐ WAIVER: I HAVE NO OBJECTIONS TO THE REMOVAL OF THE FOSTER CHILD(REN) FROM MY HOME. I WAIVE MY RIGHTS TO A FOSTER CARE AGENCY CONFERENCE AND AN INDEPENDENT REVIEW.

FOSTER MOTHER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

FOSTER FATHER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

CS 701D (Reverse)  
Rev. 9/03nyc  
**ACS**  
NYC Administration for  
Children's Services**INDEPENDENT REVIEW**

IF YOU REQUEST AN INDEPENDENT REVIEW, YOU MUST TELEPHONE THE OFFICE OF ADVOCACY. YOU MAY BRING A REPRESENTATIVE TO THE INDEPENDENT REVIEW, BUT YOU ARE NOT REQUIRED TO DO SO. YOUR FOSTER CARE CASEWORKER AND AN ACS REPRESENTATIVE WILL ALSO ATTEND THE CONFERENCE. IF YOUR REPRESENTATIVE IS AN ATTORNEY, THE OTHER PARTIES MAY ALSO HAVE LEGAL REPRESENTATION. AT THE CONFERENCE, YOU MAY: **1)** DISCUSS THE REASON FOR THE REMOVAL; **2)** STATE WHY THE CHILD(REN) SHOULD NOT BE REMOVED OR SHOULD NOT HAVE BEEN REMOVED; AND **3)** HAVE THE ACTION REVIEWED. UNLESS REMOVED ON AN EMERGENCY BASIS, THE CHILD(REN) WILL NOT BE REMOVED UNTIL AT LEAST THREE (3) DAYS AFTER DECISION IS SENT TO YOU, OR UNTIL THE DATE OF THE PROPOSED REMOVAL IF IT OCCURS LATER. THE CONFERENCE WILL BE HELD AT THE FOLLOWING LOCATION:

ADMINISTRATION FOR CHILDREN'S SERVICES  
OFFICE OF ADVOCACY  
150 WILLIAM STREET, 1ST FLOOR  
NEW YORK, N.Y. 10038  
(212) 676-9002

*NOTE: IF YOU RECEIVED A NOTICE OF "INDICATION" ON A CHILD PROTECTIVE CASE AND WISH TO CONTEST THAT DECISION, YOU SHOULD REQUEST A REVIEW THROUGH THE STATE CENTRAL REGISTER AS INDICATED ON THE NOTICE YOU RECEIVED.*

**YOU MUST REQUEST AN INDEPENDENT REVIEW WITHIN 10 DAYS  
OF THE DATE OF THIS NOTICE OR YOUR REQUEST MAY BE DENIED**

**FAIR HEARING INFORMATION**

IF YOU OBJECT TO THE REMOVAL OF THE CHILD(REN) FROM YOUR HOME, YOU MAY REQUEST A NEW YORK STATE FAIR HEARING, WHETHER OR NOT YOU REQUEST A FOSTER CARE AGENCY CONFERENCE OR AN INDEPENDENT REVIEW. THE INDEPENDENT REVIEW IS NOT A FAIR HEARING AND REQUESTING ONE DOES NOT PREVENT YOU FROM ALSO REQUESTING A FAIR HEARING. HOWEVER, THE CHILD(REN) MAY BE REMOVED FROM YOUR HOME FOLLOWING THE DECISION OF THE INDEPENDENT REVIEWER. IF YOU DO NOT REQUEST AN INDEPENDENT REVIEW OR THE DECISION OF THE INDEPENDENT REVIEW UPHOLDS THE REMOVAL, THE CHILD(REN) MAY BE REMOVED FROM YOUR HOME ON OR AFTER THE PROPOSED REMOVAL DATE AND BEFORE THE FAIR HEARING IS HELD. TO REQUEST A FAIR HEARING, YOU MAY WRITE TO THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, THE BUREAU OF SPECIAL HEARINGS, P.O. Box 1930, ALBANY, NEW YORK, 12201. PLEASE INCLUDE THE FOLLOWING INFORMATION WHEN YOU REQUEST A FAIR HEARING:

- APPLICANT'S (FOSTER PARENT) NAME, ADDRESS AND TELEPHONE NUMBER.
- NAME AND DATE OF BIRTH OF CHILD REMOVED.
- NAME AND ADDRESS OF AGENCY THAT REMOVED THE CHILD.
- NAME AND TELEPHONE NUMBER OF SUPERVISOR/ADMINISTRATOR OF AGENCY THAT REMOVED THE CHILD.

**YOU MUST REQUEST A FAIR HEARING WITHIN SIXTY DAYS OF  
THE DATE OF THIS NOTICE OR YOUR REQUEST MAY BE DENIED**

IF YOU REQUEST A FAIR HEARING, YOU HAVE A RIGHT TO EXAMINE YOUR CASE RECORD TO THE EXTENT THAT THE CASE RECORD IS NOT CONFIDENTIAL. YOU MAY REQUEST COPIES OF ANY PART OF THE CASE RECORD THAT YOU WISH TO PRESENT AT THE HEARING, AT NO COST TO YOU. AT THE FAIR HEARING, YOU WILL HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY, BY A FRIEND OR RELATIVE, OR YOU MAY REPRESENT YOURSELF. YOU WILL HAVE THE RIGHT TO BRING WITNESSES, TO QUESTIONS, AND TO PRESENT WRITTEN AND ORAL EVIDENCE. THE FOSTER CARE AGENCY AND THE ADMINISTRATION FOR CHILDREN'S SERVICES MUST COMPLY WITH THE DECISION ISSUED AFTER THE FAIR HEARING. IF YOU NEED LEGAL ASSISTANCE FOR YOUR AGENCY CONFERENCE OR FAIR HEARING AND YOU CANNOT AFFORD A LAWYER, CONTACT THE LOCAL LEGAL AID OR LEGAL SERVICES OFFICE. THIS ACTION IS BASED ON SECTION 400 OF SOCIAL SERVICES AND SECTION 443.5 OF TITLE 18 OF NEW YORK CODES RULES AND REGULATIONS.

## AVISO DE REMOCIÓN DE NIÑO(S) DE UN HOGAR SUSTITUTO

A:		FECHA: ____/____/____	
HIJO(S) ADOPTIVO(S) (NOMBRE, APELLIDO)    FCHA. NAC. _____    ____/____/____ _____    ____/____/____ _____    ____/____/____	HIJO(S) ADOPTIVO(S) (NOMBRE, APELLIDO)    FCHA. NAC. _____    ____/____/____ _____    ____/____/____ _____    ____/____/____		
NOMBRE DE CASO:	NO. DE CASO DE ACS:		
AGENCIA DE CUIDADO ADOPTIVO:			
TRABAJADOR DE CASO DE LA AGENCIA DE CUIDADO ADOPTIVO:		NO. DE TELÉFONO:	
LA SIGUIENTE MEDIDA SE TOMÓ (CIRCULE UNO) EL O CERCA DEL ____/____/____ REFERENTE AL (LOS) NIÑO(S) MENCIONADO(S) ANTERIORMENTE: <input type="checkbox"/> CAMBIO EN EL PLAN DE SERVICIOS – PLANEAMOS: <input type="checkbox"/> UBICAR AL (LOS) NIÑO(S) EN OTRO HOGAR SUSTITUTO U OTRA INSTALACIÓN PORQUE: _____ _____ <input type="checkbox"/> UBICAR AL (LOS) NIÑO(S) EN UN HOGAR ADOPTIVO <input type="checkbox"/> REGRESAR AL (LOS) NIÑO(S) A LOS PADRES NATURALES / TUTORES LEGALES / CUSTODIO/ A SÍ MISMO <input type="checkbox"/> REMOCIÓN DE EMERGENCIA: FUE NECESARIO REMOVER AL (LOS) NIÑO(S) ANTERIORMENTE MENCIONADO(S) PORQUE _____ _____			
SI USTED NO SE OPONE A LA REMOCIÓN DEL (LOS) NIÑO(S) DE SU HOGAR, INDÍQUELO MARCANDO LA CASILLA QUE SIGUE JUNTO A EXENCIÓN Y REGRESE EL FORMULARIO A SU TRABAJADOR DE CASO DE CUIDADO ADOPTIVO. SI USTED NO ESTÁ DE ACUERDO CON LA REMOCIÓN DEL (LOS) NIÑO(S) DE SU HOGAR, PUEDE SOLICITAR CUALQUIERA O TODO LO SIGUIENTE: <ul style="list-style-type: none"> <li>• UNA REVISIÓN INDEPENDIENTE LLAMANDO A LA OFICINA DE ABOGACÍA EN LA ADMINISTRACIÓN PARA SERVICIOS INFANTILES DENTRO DE LOS 10 DÍAS DESPUÉS DE RECIBIR ESTE AVISO.</li> <li>• UNA AUDIENCIA IMPARCIAL DEL ESTADO DE NEW YORK, ESCRIBIENDO AL BURÓ DE AUDIENCIAS ESPECIALES.</li> </ul>			
SI TIENE ALGUNA PREGUNTA, CONTACTE A SU TRABAJADOR DE CASO DE CUIDADO ADOPTIVO			
FIRMA _____ TÍTULO: _____ AGENCIA: _____			
<input type="checkbox"/> EXENCIÓN: NO ME OPONGO A LA REMOCIÓN DEL (LOS) NIÑO(S) ADOPTIVO(S) DE MI HOGAR. CEDO MIS DERECHOS A UNA CONFERENCIA DE AGENCIA DE CUIDADO ADOPTIVO Y A UNA REVISIÓN INDEPENDIENTE.			
FIRMA DE LA MADRE SUSTITUTA: _____		FECHA: ____/____/____	
FIRMA DEL PADRE SUSTITUTO: _____		FECHA: ____/____/____	



**REVISIÓN INDEPENDIENTE**

SI USTED SOLICITA UNA REVISIÓN INDEPENDIENTE, DEBE TELEFONEAR A LA OFICINA DE ABOGACÍA. USTED DEBE TRAER A UN REPRESENTANTE A LA REVISIÓN INDEPENDIENTE, PERO NO ESTÁ OBLIGADO A HACERLO. TAMBIÉN ASISTIRÁN A LA CONFERENCIA SU TRABAJADOR DE CASO DE CUIDADO ADOPTIVO Y UN REPRESENTANTE DE ACS. SI SU REPRESENTANTE ES UN ABOGADO, LAS OTRAS PARTES TAMBIÉN PUEDEN TENER REPRESENTACIÓN LEGAL. EN LA CONFERENCIA, USTED PUEDE: 1) DISCUTIR LA RAZÓN PARA LA REMOCIÓN; 2) DECLARAR LA RAZÓN POR LA CUAL NO SE DEBERÍA REMOVER AL (LOS) NIÑO(S) O NO SE DEBERÍAN HABER REMOVIDO; Y 3) HACER QUE REVISEN LA MEDIDA. A MENOS QUE HAYAN SIDO REMOVIDOS COMO EMERGENCIA, NO SE REMOVERÁ AL (LOS) NIÑO(S) HASTA AL MENOS TRES (3) DÍAS DESPUÉS QUE LA DECISIÓN SE LE HAYA ENVIADO A USTED, O HASTA LA FECHA DE REMOCIÓN PROPUESTA SI TIENE LUGAR MÁS TARDE. LA CONFERENCIA SE CELEBRARÁ EN EL SIGUIENTE LUGAR:

ADMINISTRATION FOR CHILDREN'S SERVICES  
OFFICE OF ADVOCACY  
150 WILLIAM STREET, PRIMER PISO  
NEW YORK, NY 10038  
(212) 676-9002

*NOTA: SI USTED RECIBIÓ UN AVISO DE "INDICACIÓN", SOBRE UN CASO DE PROTECCIÓN INFANTIL Y DESEA DISPUTAR DICHA DECISIÓN, DEBE SOLICITAR UNA REVISIÓN A TRAVÉS DEL REGISTRO CENTRAL ESTATAL TAL COMO SE INDICA EN EL AVISO QUE RECIBIÓ.*

USTED DEBE SOLICITAR UNA REVISIÓN INDEPENDIENTE DENTRO DE LOS 10 DÍAS DESPUÉS DE LA FECHA DE ESTE AVISO O SE LE PUDIERA DENEGAR DICHA PETICIÓN

**INFORMACIÓN SOBRE LA AUDIENCIA IMPARCIAL**

SI USTED SE OPONE A LA REMOCIÓN DE LOS NIÑOS DE SU HOGAR, PUEDE SOLICITAR UNA AUDIENCIA IMPARCIAL DEL ESTADO DE NEW YORK, INDEPENDIENTEMENTE DE QUE USTED SOLICITE O NO UNA CONFERENCIA DE AGENCIA DE CUIDADO ADOPTIVO O UNA REVISIÓN INDEPENDIENTE. LA REVISIÓN INDEPENDIENTE NO ES UNA AUDIENCIA IMPARCIAL Y EL SOLICITARLA NO IMPIDE QUE USTED SOLICITE ADEMÁS UNA AUDIENCIA IMPARCIAL. SIN EMBARGO LOS NIÑOS PUDIERAN SER REMOVIDOS DE SU HOGAR LUEGO DE LA DECISIÓN DEL REVISOR INDEPENDIENTE. SI USTED NO SOLICITA UNA REVISIÓN INDEPENDIENTE O LA DECISIÓN DE LA REVISIÓN INDEPENDIENTE RESPALDA LA REMOCIÓN, LOS NIÑOS PUDIERAN SER REMOVIDOS DE SU HOGAR EN O DESPUÉS DE LA FECHA DE REMOCIÓN PROPUESTA Y ANTES DE QUE SE CELEBRE LA AUDIENCIA IMPARCIAL. PARA SOLICITAR UNA AUDIENCIA IMPARCIAL PUEDE ESCRIBIR A THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, THE BUREAU OF SPECIAL HEARINGS, PO BOX 1930, ALBANY, NY, 12201. HAGA EL FAVOR DE INCLUIR LA SIGUIENTE INFORMACIÓN CUANDO SOLICITE UNA AUDIENCIA IMPARCIAL:

- NOMBRE, DIRECCIÓN Y TELÉFONO DEL APLICANTE (*PADRE SUSTITUTO*)
- NOMBRE Y FECHA DE NACIMIENTO DEL NIÑO REMOVIDO
- NOMBRE Y DIRECCIÓN DE LA AGENCIA QUE REMOVIÓ AL NIÑO.
- NOMBRE Y TELÉFONO DEL SUPERVISOR/ADMINISTRADOR DE LA AGENCIA QUE REMOVIÓ AL NIÑO.

USTED DEBE SOLICITAR UNA AUDIENCIA IMPARCIAL DENTRO DE LOS SESENTA DÍAS DESPUÉS DE LA FECHA DE ESTE AVISO O SE LE PUDIERA DENEGAR DICHA PETICIÓN

SI USTED SOLICITA UNA AUDIENCIA IMPARCIAL, TIENE EL DERECHO A EXAMINAR EL EXPEDIENTE DE SU CASO EN LA MEDIDA QUE DICHO EXPEDIENTE NO SEA CONFIDENCIAL. USTED PUEDE SOLICITAR COPIAS DE CUALQUIER PARTE DEL EXPEDIENTE DEL CASO QUE USTED DESEE PRESENTAR EN LA AUDIENCIA, SIN COSTO PARA USTED. EN LA AUDIENCIA IMPARCIAL, USTED TENDRÁ EL DERECHO A SER REPRESENTADO POR UN ABOGADO, POR UN AMIGO O FAMILIAR, O PUEDE REPRESENTARSE A SÍ MISMO. TENDRÁ EL DERECHO A PRESENTAR TESTIGOS, A INTERROGAR Y A PRESENTAR EVIDENCIA ESCRITA Y ORAL. LA AGENCIA DE CUIDADO ADOPTIVO Y LA ADMINISTRACIÓN PARA SERVICIOS INFANTILES DEBEN OBEDECER LA DECISIÓN EMITIDA DESPUÉS DE LA AUDIENCIA IMPARCIAL. SI USTED NECESITA ASISTENCIA LEGAL PARA SU CONFERENCIA DE AGENCIA O PARA LA AUDIENCIA IMPARCIAL Y NO TIENE LOS MEDIOS DE PAGAR UN ABOGADO, CONTACTE A SU LEGAL AID LOCAL O A UNA OFICINA DE SERVICIOS LEGALES. ESTA MEDIDA SE BASA EN LA SECCIÓN 400 DE SERVICIOS SOCIALES Y SECCIÓN 443.5 DEL TÍTULO 18 DE LOS CÓDIGOS, REGLAS Y REGULACIONES DE NEW YORK.